

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/CS/HB 1069](#)

TITLE: Background Screenings

SPONSOR(S): Trabulsky and Hunschofsky

COMPANION BILL: [CS/SB 1168](#) (Grall)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Judiciary](#)

19 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill makes the following changes to specified background screening processes in Florida:

- Classifies an independent sanctioning authority as a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse (Clearinghouse), which will authorize the Clearinghouse to share the results of criminal history record checks related to current and prospective athletic coaches with such independent sanctioning authorities effective July 1, 2026.
- Prohibits a person from acting as an athletic coach if he or she does not pass specified background screening qualifications, subject to specified exemptions.
- Revises the applicability of background screening for athletic coaches to apply to persons 18 years of age or older, and specifies that a volunteer required to undergo such background screening is limited to a volunteer coach, assistant coach, manager, or referee for a youth athletic team.
- Requires qualified entities that register with the Florida Department of Law Enforcement (FDLE) to designate a user administrator to act as the primary point of contact and manage compliance with state and federal laws regarding criminal history information related to background screening requests.
- Amends statutes related to court-ordered expunction and court-ordered sealing of criminal history records to prohibit a person from denying or failing to acknowledge arrests covered by such expunged or sealed records if he or she is screened through the Clearinghouse by a qualified entity, and requires FDLE to disclose the existence of such criminal history records to such qualified entities.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on state government to the extent that state agencies expend additional resources to share specified criminal history records with independent sanctioning authorities.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill classifies an [independent sanctioning authority](#) as a [qualified entity](#) for purposes of participating in the [Care Provider Background Screening Clearinghouse](#) (Clearinghouse), administered by the [Agency for Health Care Administration](#) (AHCA), which will authorize the Clearinghouse to share the results of [criminal history record](#) checks related to current and prospective [athletic coaches](#) with such independent sanctioning authorities effective July 1, 2026. Under the bill, a person may not act as an athletic coach if he or she does not pass specified [Level 2 background screening qualifications](#), subject to specified [exemptions](#). (Section [1](#))

The bill revises the applicability of the current background screening requirement related to athletic coaches to:

- Require an athletic coach who is 18 years of age or older to undergo specified background screening.
- Specify that a volunteer required to undergo background screening is limited to a volunteer coach, assistant coach, manager, or referee for a youth athletic team. (Section [1](#))

STORAGE NAME: h1069a.JDC

DATE: 2/26/2026

The bill requires qualified entities that register with the Florida Department of Law Enforcement (FDLE) and submit background screening requests to designate a user administrator to act as the primary point of contact and to manage compliance with state and federal laws regarding the security and privacy of criminal history information. The bill authorizes a qualified entity to designate additional authorized users with delegated authority to manage or access the system for the purpose of requesting and reviewing background screening information. (Section [2](#))

The bill amends statutes related to court-ordered [expunction](#) and court-ordered [sealing](#) of criminal history records to prohibit a person from denying or failing to acknowledge arrests covered by such expunged or sealed records if he or she is screened through the Clearinghouse by a qualified entity pursuant to [s. 435.12, F.S.](#) (Sections [3](#) and [4](#))

The bill requires FDLE to [disclose](#) the sealed criminal history record or the existence of an expunged criminal history record to a qualified entity if a person is screened through the Clearinghouse by a qualified entity. Under the bill, an employee of a qualified entity may not disclose information relating to the existence of an expunged or sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions, subject to a criminal penalty. (Sections [3](#) and [4](#))

The effective date of the bill is July 1, 2026. (Section [8](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on state government to the extent that state agencies expend additional resources to share specified criminal history records with qualified entities, including independent sanctioning authorities.

PRIVATE SECTOR:

The bill may have an indeterminate negative impact on the private sector to the extent that it requires a person to pass more thorough background screening in order to work as an athletic coach.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Care Provider Background Screening Clearinghouse](#)

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by the [Agency for Health Care Administration](#) (AHCA), in consultation with the Florida Department of Law Enforcement (FDLE), which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.¹ The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,² which continually matches fingerprints retained in the Clearinghouse against fingerprints received for new arrests that occur after the individual was originally screened.³ Once a person's screening record is in the Clearinghouse, that person may avoid the need for any future state screens and related fees for screenings, depending on the screening agencies or organizations.⁴

¹ [S. 435.12, F.S.](#)

² The Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. See Federal Bureau of Investigation, Privacy Impact Assessment for the Next Generation Identification (NGI) Rap Back Service, available at <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited Feb. 26, 2026).

³ [S. 435.12\(2\), F.S.](#)

⁴ Agency for Health Care Administration, *Clearinghouse Renewals*, available at https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml (last visited Feb. 26, 2026).

The Clearinghouse is authorized to share background screening results with specified agencies and qualified entities that are conducting state and national criminal history background screening on persons who work with children or the elderly or disabled. Specified agencies include:

- AHCA;
- Department of Health;
- Department of Children and Families;
- Department of Elderly Affairs;
- Department of Juvenile Justice;
- Agency for Persons with Disabilities;
- Department of Education, and related entities including district units, special district units, the Florida School for the Deaf and Blind, the Florida Virtual School, virtual instruction programs, charter schools, hope operators, private schools participating in certain scholarship programs, and alternative schools;
- Regional workforce development boards; and
- Local licensing agencies responsible for licensing child care providers.⁵

The Clearinghouse is also authorized to share results of criminal history checks with other entities participating in the Clearinghouse, referred to as [qualified entities](#).⁶ Qualified entities include businesses or organizations which provide care or care placement services for children or vulnerable adults⁷ and must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.⁸

Background Screening Qualifications

Under current law, certain professions and employment settings⁹ are subject to criminal background screening and licensure or employment disqualification for certain past criminal offenses. Chapter 435, F.S., establishes procedures and requirements for criminal history background screening. There are two levels of background screening:

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through FDLE and a check of the Dru Sjodin National Sex Offender Public Website,¹⁰ and may include criminal records checks through local law enforcement agencies.¹¹
- [Level 2](#) screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies, as well as searches of sexual predator and sexual offender registries of any state in which the prospective employee lived during the preceding five years.¹²

Background Screening Qualifications Related to [Youth Athletic Team Coaches](#)

An [independent sanctioning authority](#) is a private, nongovernmental entity that organizes, operates, or

Fingerprints are retained for five years. Employers have an option to renew screenings at the end of the five-year period through a “Clearinghouse Renewal” process which allows employee’s fingerprints to be retained without being re-fingerprinted.

⁵ [S. 435.02, F.S.](#)

⁶ [S. 435.12\(1\), F.S.](#)

⁷ [S. 943.0542\(1\), F.S.](#)

⁸ [S. 435.12\(2\), F.S.](#)

⁹ An “employee” is any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers. [S. 435.02, F.S.](#)

¹⁰ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, www.nsopw.gov (last visited Feb. 26, 2026).

¹¹ Florida Department of Law Enforcement, *State of Florida Criminal History Records Check*, <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited Feb. 26, 2026).

¹² [S. 435.04, F.S.](#)

coordinates a youth athletic team that includes at least one minor and is not affiliated with a private school.¹³ An athletic coach is a person authorized by the independent sanctioning authority to work as a coach, assistant coach, manager, or referee, for compensation or as a volunteer, for a youth athletic team and has direct contact with one or more minors on the youth athletic team.¹⁴

Beginning July 1, 2026, independent sanctioning authorities are required to conduct a Level 2 background screening for each current and prospective athletic coach.¹⁵ An independent sanctioning authority may not authorize a person to act as a coach unless they have undergone a Level 2 background screening and are not disqualified due to specified criminal history.¹⁶ An independent sanctioning authority may allow a disqualified person to act as an athletic coach if the person is granted an exemption.¹⁷

In 2023, the Legislature revised the background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities. The independent sanctioning authorities were directed to conduct a Level 2 background screening, instead of a Level 1 background screening, by July 1, 2024.¹⁸ In 2024, the Legislature extended the deadline for independent sanctioning authorities to conduct the Level 2 background screening from July 1, 2024 to January 1, 2025.¹⁹ The Legislature extended the deadline again in 2025 from January 1, 2025 to July 1, 2026.²⁰ Under the extension, independent sanctioning authorities are allowed to continue operations without being required to conduct Level 2 background screenings of each current and prospective athletic coach, assistant coach, and referee as a condition of employment, until July 1, 2026.

Background Screening Disqualifying Offenses

Individuals subject to background screening are disqualified from certain employment and licensure if they have been arrested for and are awaiting final disposition of, been found guilty of regardless of adjudication, entered a plea of no contest or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following offenses, or similar offenses in another jurisdiction:²¹

- Failure to report child abuse, abandonment, or neglect.
- Sexual misconduct with certain developmentally disabled clients and failing to report such sexual misconduct.
- Sexual misconduct with certain mental health patients and failing to report such sexual misconduct.
- Fraud, if the offense was a felony.
- Adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Murder.
- Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

¹³ A “private school” is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of [s. 1003.01\(16\), F.S.](#), or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of ch. 1005, F.S. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with [s. 1002.41, F.S.](#) [S. 1002.01\(3\), F.S.](#)

¹⁴ [S. 943.0438\(1\), F.S.](#)

¹⁵ [S. 943.0438\(2\), F.S.](#) Before January 1, 2025, an independent sanctioning authority was required to conduct a Level 1 background screening including a search of the applicant or coach’s name or other identifying information against state and federal registries of sexual predators and sexual offenders for each current and prospective athletic coach.

¹⁶ [S. 943.0438, F.S.](#)

¹⁷ *Id.*

¹⁸ Ch. 2023-220, Laws of Fla.

¹⁹ Ch. 2024-243, Laws of Fla.

²⁰ Ch. 2025-97, Laws of Fla.

²¹ [S. 435.04\(2\), F.S.](#)

- Vehicular homicide.
- Killing of an unborn child by injury to the mother.
- Assault, battery, and culpable negligence, if the offense was a felony.
- Assault, if the victim of the offense was a minor.
- Aggravated assault.
- Battery, if the victim of the offense was a minor.
- Aggravated battery.
- Battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Kidnapping.
- False imprisonment.
- Luring or enticing a child.
- Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Human trafficking.
- Human smuggling.
- Exhibiting firearms or weapons within 1,000 feet of a school.
- Possessing an electric weapon or device, destructive device, or other weapon on school property.
- Sexual battery.
- Prohibited acts of persons in familial or custodial authority.
- Unlawful sexual activity with certain minors.
- Female genital mutilation.
- Prostitution.
- Lewd and lascivious behavior.
- Lewdness and indecent exposure.
- Arson.
- Burglary.
- Voyeurism, if the offense was a felony.
- Video voyeurism, if the offense was a felony.
- Theft, robbery, and related crimes, if the offense was a felony.
- Fraudulent sale of controlled substances, only if the offense was a felony.
- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Exploitation of an elderly person or disabled adult, if the offense was a felony.
- Incest.
- Child abuse, aggravated child abuse, or neglect of a child.
- Contributing to the delinquency or dependency of a child.
- Negligent treatment of children.
- Sexual performance by a child.
- The unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Resisting arrest with violence.
- Depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Aiding in an escape.
- Aiding in the escape of juvenile inmates in correctional institutions.
- Obscene literature.
- Poisoning food or water.
- The prohibition on the purchase or sale of human organs and tissue.

- Encouraging or recruiting another to join a criminal gang.
- Drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Sexual misconduct with certain forensic clients failing to report such sexual misconduct.
- Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Escape.
- Harboring, concealing, or aiding an escaped prisoner.
- Introduction of contraband into a correctional facility.
- Sexual misconduct in juvenile justice programs.
- Contraband introduced into detention facilities.
- Attempts, solicitation, and conspiracy to commit any above offense.

Any history of a listed offense is considered disqualifying regardless of when the offense was committed.

[Exemptions to Background Screening Disqualification](#)

For individuals who are disqualified from employment or licensure due to their criminal history, current law includes an exemption process. To qualify for an exemption, the individual must demonstrate by clear and convincing evidence that he or she has been rehabilitated, will not present a danger, and should not be disqualified from employment.²²

The agency head may grant the exemption from disqualification if all court ordered fees, fines, liens, applications, costs of prosecution, trusts, or restitution have been paid, and either:²³

- Two years have elapsed since the individual has completed or been lawfully released from confinement supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

An individual who receives an exemption may work despite the disqualifying offense in that person's past. However, an individual who is considered a sexual predator,²⁴ career offender,²⁵ or a registered sexual offender²⁶ is not eligible for exemption.²⁷

[Criminal History Records](#)

A criminal history record includes any nonjudicial record maintained by a criminal justice agency²⁸ that contains criminal history information.²⁹ Criminal history information is information collected by criminal justice agencies consisting of identifiable descriptions of individuals and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and criminal dispositions.³⁰ Under [s. 943.0542, F.S.](#), a qualified entity conducting background criminal history checks must:

- Register with FDLE before submitting a request for screening. Each such request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended. As a

²² [S. 435.07, F.S.](#)

²³ *Id.*

²⁴ [S. 775.21, F.S.](#)

²⁵ [S. 775.261, F.S.](#)

²⁶ [S. 943.0435, F.S.](#)

²⁷ [S. 435.07\(4\)\(b\), F.S.](#)

²⁸ Criminal justice agencies include the court, the Florida Department of Law Enforcement (FDLE), the Department of Juvenile Justice (DJJ), components of the Department of Children and Families (DCF), components of the Department of Financial Services, and other governmental agencies that administrate criminal justice. [S. 943.045\(11\), F.S.](#)

²⁹ [S. 943.045\(6\), F.S.](#)

³⁰ [S. 943.045\(5\), F.S.](#)

part of the registration, the qualified entity must agree to comply with state and federal law, and FDLE must periodically audit qualified entities to ensure compliance with state and federal law.

- Before January 1, 2026, or a later date as determined by AHCA, submit to FDLE, and effective January 1, 2026, or a later date as determined by AHCA, submit a request for screening an employee or volunteer or person applying to be an employee or volunteer by submitting fingerprints, or the request may be submitted electronically. The qualified entity must maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity.

Any current or prospective employee or volunteer who is subject to a request for screening must indicate to the qualified entity submitting the request the name and address of each qualified entity that has submitted a previous request for screening regarding that employee or volunteer.³¹

Effective January 1, 2026, or a later date as determined by AHCA, a qualified entity initiating a background criminal history check under this section must comply with [s. 435.12, F.S.](#), and all fingerprints received pursuant to this section must be entered into the Clearinghouse as provided in [s. 435.12, F.S.](#)³²

[Court-Ordered Sealing](#)

Under [s. 943.059, F.S.](#), a court may order a criminal history record to be sealed, rendering it confidential and exempt from Florida's public record laws.³³ The following persons and entities may access a sealed criminal history record:

- The subject of the record;
- His or her attorney;
- Criminal justice agencies for criminal justice purposes;
- Judges in the state courts system for assisting in their case-related decision-making responsibilities; and
- Certain enumerated entities³⁴ for licensing access authorization and employment purposes.³⁵

If a criminal history record is sealed, the subject of the record may lawfully deny or fail to acknowledge the arrests covered by the sealed record, with exceptions for certain state employment positions, seeking appointment as a guardian, professional licensing purposes, purchasing a firearm, applying for a concealed weapons permit, seeking expunction, or if the subject of the record is a defendant in a criminal prosecution.³⁶

To obtain a court-ordered sealing, a person must first apply to the Florida Department of Law Enforcement (FDLE) for a certificate of eligibility, which FDLE must issue to a person who:

- Has submitted a certified copy of the disposition of the charge he or she seeks to seal;
- Is not seeking to seal a criminal history record relating to an ineligible offense;³⁷
- Has never, prior to filing the application for a certificate of eligibility, been either:
 - Adjudicated guilty in this state of any criminal offense; or
 - Adjudicated delinquent in this state for committing any felony or adjudicated delinquent of certain enumerated misdemeanors³⁸ as a juvenile, unless such adjudication has been expunged pursuant to [s. 943.0515, F.S.](#)³⁹

³¹ [S. 943.0542\(1\)\(c\), F.S.](#)

³² [S. 943.0542\(1\)\(d\), F.S.](#)

³³ [S. 943.059\(6\)\(a\), F.S.](#); See [s. 119.07\(1\), F.S.](#) and [Art. I, s. 24\(a\), FLA. CONST.](#), for public record requirements.

³⁴ Enumerated entities include criminal justice agencies, The Florida Bar, DCF, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elder Affairs, DJJ, the Department of Education, a district school board, a university laboratory school, the Florida School for the Deaf and the Blind, the Florida Virtual school, a virtual instruction program, a charter school, a private or parochial school, a local governmental entity that licenses child care facilities, the Division of Insurance Agent and Agency Services within the Department of Financial Services, and the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services.

³⁵ [S. 943.059\(6\)\(a\), F.S.](#)

³⁶ [S. 943.059\(6\)\(b\), F.S.](#)

³⁷ [S. 943.0584, F.S.](#), provides a list of offenses for which a criminal history record is not eligible for court-ordered sealing.

- Has not been adjudicated guilty or delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;
- Has never secured a prior sealing or expunction of a criminal history record;
- Is no longer under court supervision related to the disposition of the arrest or alleged criminal activity to which the petition to seal pertains; and
- Remits a \$75 processing fee to FDLE, unless such fee is waived.⁴⁰

Upon receiving a certificate of eligibility from FDLE, a person may petition the court to seal the record.⁴¹ A complete petition contains both a valid certificate of eligibility, issued within the previous 12 months, and a sworn statement from the petitioner attesting to his or her eligibility.⁴² It is solely within the court's discretion to grant or deny a petition to seal a criminal history record.⁴³

Court-Ordered Expunction

An adult or juvenile may have his or her criminal history record expunged under certain circumstances.⁴⁴ When a record is expunged, the criminal justice agencies possessing such record must physically destroy or obliterate it.⁴⁵ FDLE maintains a copy of the record to evaluate subsequent requests for sealing or expunction, and to recreate the record in the event a court vacates the order to expunge.⁴⁶

Under [s. 943.0585\(1\), F.S.](#), a court, in its sole discretion, may order a criminal justice agency to expunge a person's criminal history record if FDLE issues the person a certificate of eligibility for expunction.⁴⁷ FDLE must issue a certificate of eligibility for court-ordered expunction to a person meeting all criteria.⁴⁸ Generally, a person is eligible for expunction if:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state, was dismissed by the court, a judgment of acquittal was rendered, or a verdict of not guilty was rendered.
- The person is not seeking to expunge a criminal history record relating to a violation of certain enumerated offenses listed in [s. 943.0584, F.S.](#)⁴⁹
- The person has never, as of the date when the application to FDLE for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense.
- The person has never, as of the date when the application to FDLE for a certificate of eligibility is filed, been adjudicated delinquent for committing any felony or certain enumerated misdemeanor offenses,⁵⁰ unless such adjudication of delinquency has been expunged.

³⁸ Ineligible misdemeanors include: assault; battery; assault on a law enforcement officer, a firefighter, or other specified officers; carrying a concealed weapon; open carrying of a weapon; unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property; unlawful use of destructive devices or bombs; unlawful possession of a firearm by a minor; exposure of sexual organs; arson; petit theft; neglect of a child; and cruelty to animals. [S. 943.059\(1\)\(b\)1.-13., F.S.](#)

³⁹ Relating to the retention of criminal history records of minors.

⁴⁰ [S. 943.059\(1\)-\(2\), F.S.](#)

⁴¹ [S. 943.059\(3\), F.S.](#)

⁴² [S. 943.059\(2\)-\(3\), F.S.](#)

⁴³ [S. 943.059\(4\)\(e\), F.S.](#)

⁴⁴ [Ss. 943.0581, 943.0582, 943.0583, and 943.0585, F.S.](#)

⁴⁵ [S. 943.045\(16\), F.S.](#)

⁴⁶ *Id.*

⁴⁷ [S. 943.0585\(1\), F.S.](#)

⁴⁸ [S. 943.0585\(2\), F.S.](#)

⁴⁹ Some offenses ineligible for expunction that are enumerated in [s. 943.0584, F.S.](#), include murder, sexual battery, aggravated battery, domestic battery, lewd or lascivious offenses, burglary, robbery, and drug trafficking.

⁵⁰ Examples of disqualifying misdemeanor offenses include assault, battery, carrying a concealed weapon, petit theft, and exposure of sexual organs. [S. 943.0585\(1\)\(d\), F.S.](#)

- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the current petition for expunction pertains.
- The person is no longer under court supervision for the alleged criminal activity to which the current petition for expunction pertains.
- The person has never had a record sealed or expunged by court order previously, unless;⁵¹
 - Expunction is sought for a criminal history record previously sealed for at least 10 years;⁵² and
 - The record was sealed because adjudication was withheld, or because all charges related to the arrest or alleged criminal activity to which the petition for expunction pertains were not dismissed before trial, and the trial did not result in an adjudication of guilt.

After a person files a petition to expunge a criminal history record with the court, a copy of the petition is provided to the state attorney and the arresting law enforcement agency.⁵³ The state attorney and the arresting law enforcement agency may file with the court a response to the petition to expunge objecting to the court granting such expunction.⁵⁴

If the court grants a petition to expunge a person's criminal history record, the person may lawfully deny or fail to acknowledge the arrests covered by the expunged record, subject to specified exceptions.⁵⁵ Such exceptions include when the person is a defendant in a criminal prosecution; when the person is seeking an additional sealing or expunction; when the person is seeking employment with a criminal justice agency, admission to the Florida Bar, or employment or licensure by specified agencies for certain sensitive employment positions; or when a person applies for appointment as a guardian under [s. 744.3125, F.S.](#)

[Required Disclosure of Sealed or Expunged Criminal History Records](#)

Under [ss. 943.059\(6\)\(d\)](#) and [943.0585\(6\)\(d\), F.S.](#), respectively, information relating to the existence of a sealed or expunged criminal history record provided in accordance with those sections is confidential and exempt from [s. 119.07\(1\), F.S.](#), and s. 24(a), Art. I of the State Constitution.⁵⁶ However, FDLE must disclose the sealed criminal history record or the existence of an expunged criminal history record to specified entities for respective licensing, access authorization, and employment purposes. An employee of a specified entity may not disclose information relating to the existence of a sealed or expunged criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who unlawfully discloses such information commits a first degree misdemeanor.⁵⁷

⁵¹ [S. 943.0585\(1\)\(g\), F.S.](#)

⁵² The requirement for a record to have been sealed for 10 years does not apply if a plea was not entered or all charges related to the arrest or alleged criminal activity to which the petition for expunction pertains were dismissed before trial or a judgment of acquittal was rendered by a judge or a verdict of not guilty was rendered by a jury. [S. 943.0585\(1\)\(h\), F.S.](#)

⁵³ [S. 943.0585\(5\)\(a\), F.S.](#)

⁵⁴ *Id.*

⁵⁵ [S. 943.0585\(6\)\(b\), F.S.](#)

⁵⁶ *Supra* note 33.

⁵⁷ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/SB 676 - Level 2 Background Screenings	Trabulsy/ <i>Grall</i>	Became effective July 1, 2024.
2024	CS/CS/HB 975 - Background Screenings and Certifications	Trabulsy, Bell, Campbell/ <i>Rouson</i>	Became effective July 1, 2024.
2025	HB 431 - Background Screening of Athletic Coaches	Trabulsy, Hunschofsky/ <i>Grall</i>	Became effective July 1, 2025.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Judiciary Committee	19 Y, 0 N, As CS	2/26/2026	Kramer	Butcher

THE CHANGES ADOPTED BY THE COMMITTEE:

- Revised the applicability of background screening for athletic coaches to apply to persons 18 years of age or older, and specified that a volunteer required to undergo such background screening is limited to a volunteer coach, assistant coach, manager, or referee for a youth athletic team.
- Required qualified entities that register with the FDLE to designate a user administrator to act as the primary point of contact related to background screening requests.
- Prohibited a person from denying or failing to acknowledge arrests covered by an expunged or sealed criminal history record if he or she is screened through the Clearinghouse by a qualified entity, and required FDLE to disclose the existence of such criminal history records to such qualified entities.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
